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09/456,647    12/08/99    HOWARD    D    35-95-010.1

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EXAMINER

ROMAIN, J

ART UNIT

PAPER NUMBER

2765

DATE MAILED: 09/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/456,647

Applicant(s)

Howard et al.

Examiner

Romain Jeanty

Group Art Unit

2765



☒ Responsive to communication(s) filed on Dec 8, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 7 and 8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 7 and 8 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2765

**DETAILED ACTION**

***Claim Rejections - 35 U.S.C. § 112***

1. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 7 recites the phrase "the passage". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Reilly et al.  
(US 5,740,549)

As per claim 7, Reilly discloses an information and advertising distribution system and method comprising:

Art Unit: 2765

Storing contents and advertisement in a database (col. 6, lines 46-50 and col. 12, lines 6-14) which reads on “creating an electronic publication which includes at least one content item and at least one advertising item”.

Accessing the electronic content by a user (col. 6, lines 57-61) which reads on “permitting a user to access the electronic publication”; and

Displaying the advertisements after a time interval (col. 11, lines 40-52) which reads on “presenting the advertising item to the user of the electronic publication after the passage of a predetermining amount of time the publication has been in use”.

**As per claim 8**, Reilly discloses an information and advertising distribution system and method comprising:

Storing contents and advertisement in a database (col. 6, lines 46-50 and col. 12, lines 6-14) which reads on “creating an electronic publication which includes at least one content item and at least one advertising item”.

Accessing the electronic content by a user (col. 6, lines 57-61) which reads on “permitting a user to access the electronic publication”; and

Showing of an advertisement to a subscriber when a news item is being viewed (col. 13, lines 61-67 and col. 14, lines 1-14) which reads on “presenting the advertising item to the user of the electronic publication in response to the access of a specific content item”.

Art Unit: 2765

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 7:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached at (703) 308-7791.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703)308-3900.

Romain Jeanty

Group Art Unit 2765

September 8, 2000.



ERIC W. STAMBER  
PRIMARY EXAMINER